

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP EUGENE SMITH,

Defendant.

4:18CR3043

ORDER

Defendant has moved to continue the pretrial motion deadline, (Filing No. 21), because Defendant has new counsel who needs additional time review this case and confer with the defendant before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 21), is granted.
- 2) Pretrial motions and briefs shall be filed on or before June 4, 2018.
- 3) Trial of this case remains scheduled to commence on June 25, 2018.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and June 4, 2018 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

May 21, 2018.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge